

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ANTHONY RAPP and C.D.,

Plaintiffs,

-against-

KEVIN SPACEY FOWLER a/k/a KEVIN SPACEY,

Defendant.

Case No. 1:20-cv-09586 (LAK) (SDA)

**DECLARATION OF CHASE A.
SCOLNICK IN SUPPORT OF
DEFENDANT’S MOTION FOR
SUMMARY JUDGMENT**

Under 28 U.S.C. § 1746, I, Chase A. Scolnick, declare under penalty of perjury, as follows:

1. I am a member of the Bar of the State of New York and the bar of this Court. I am also a partner at Keller / Anderle LLP, counsel of record for defendant Kevin Spacey Fowler a/k/a Kevin Spacey (“Mr. Fowler”). This declaration is made in support of Mr. Fowler’s Motion for Summary Judgment.

2. Attached as **Exhibit 1** to this declaration is a true and correct copy of selected pages from the Reporter’s Transcript of the Deposition of Anthony Rapp taken in this action on February 3, 2021.

3. Attached as **Exhibit 2** to this declaration is a true and correct copy of selected pages from the Reporter’s Transcript of the Deposition of Mr. Fowler taken in this action on January 17, 2022.

4. Attached as **Exhibit 3** to this declaration is a true and correct copy of the Verified Complaint in this action. The Complaint was filed in New York state court on or about September 9, 2020. The Complaint was included in the materials filed by Mr. Fowler with the Notice of Removal to this Court, and it is docketed as ECF No. 6-1. The original Verified Complaint included claims by plaintiff C.D., but those claims were dismissed with prejudice and his allegations stricken from the operative complaint on or about June 17, 2021. *See* ECF No. 72; *see*

also ECF Nos. 67, 67-1. The only remaining claims are those of Plaintiff Anthony Rapp for assault, battery, and intentional infliction of emotional distress.

5. Attached as **Exhibit 4** to this declaration is a true and correct copy of Mr. Fowler's Answer to Plaintiffs' Verified Complaint, which was filed in this action on November 20, 2020, and is docketed as ECF No. 7.

6. Attached as **Exhibit 5** to this declaration is a true and correct copy of Plaintiff's Memorandum of Law in Opposition to Defendant's Motion in Limine To Preclude Plaintiff from Eliciting Testimony from Third Parties He Told About the Sexual Assault by Defendant, which Plaintiff filed in this action on September 3, 2021 and is docketed as ECF No. 95.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 4, 2022
Irvine, California

By: /s/ Chase A. Scolnick

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a/k/a Kevin Spacey*

CERTIFICATE OF SERVICE

In accordance with Local Rule 5.2, I, Chase A. Scolnick, hereby certify that on March 4, 2022 this document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Chase A. Scolnick
Chase A. Scolnick